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10/074,318

02/11/2002

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12/29/2006

EXAMINER

CHOWDHURY, NIGAR

ART UNIT

PAPER NUMBER

2621

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/074,318 | <b>Applicant(s)</b><br>ABECASSIS, MAX |  |
|                              | <b>Examiner</b><br>Nigar Chowdhury   | <b>Art Unit</b><br>2621               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/11/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. Claims 21-40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,6 of U.S. Patent No. 6,408,128 in view of US Patent No. 5,400,077 by Cookson et al.

2. Regarding claim 21 of this application, claim 1 of US Patent No. 6,408,128 recites a method of replaying a portion of a video comprising the step of:

- Receiving, during a playing of a video, a replay request to replay a portion of the video
- Playing, the video responsive to the replay request

US Patent No. 6,408,128 does not disclose

- Receiving, from a user actuation of a single replay request control element
- Changing, responsive to the replay request, an audio of the video
- Playing, the video and the changed audio from a replay position in the video preceding an initial position in the video at which the replay request was received.

Cookson discloses

- Receiving, from a user actuation of a single replay request control element (Fig. 2 (79), Col. 25 lines 32-40)

- Changing, responsive to the replay request, an audio of the video (Fig. 5, Col. 25 lines 9-20)
- Playing, the video and the changed audio from a replay position in the video preceding an initial position in the video at which the replay request was received (Fig. 5, Col. 14 lines 22-57, Col. 25 lines 9-20, Col. 25 lines 32-40, Col. 26 lines 43-Col. 27 lines 11).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of claim 1 of this application to include receiving, changing, and playing option, as taught by Cookson, for the advantage of providing different language of audio with video to the user when they want to select by the user interference.

3. Regarding claim 22 of this application, claims of US Patent No. 6,408,128 do not specifically disclose the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language; and wherein the replay position precedes the initial position by a period of replay time that is cumulative responsive to a successive replay request.

Cookson discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume,

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and the audio utilizing an alternative dialog audio language (Col. 25 lines 32-40); and wherein the replay position precedes the initial position by a period of replay time that is cumulative responsive to a successive replay request (Fig. 5, Col. 26 lines 43- Col. 27 lines 11).

4. Regarding claim 23 of this application, claim 6 of US Patent No. 6,408,128 recites responsive to the replay request, a playing of subtitles is enabled contemporaneously with the playing of the changed audio. US Patent No. 6,408,128 do not specifically discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language

Cookson discloses the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language (Col. 25 lines 32-40)

5. Claim 24 is rejected for the same reason discussed in the corresponding claim 22 above

6. Regarding claim 25 of this application, claim 1 of US Patent No. 6,408,128 recites a method of replaying a portion of a video comprising the step of:

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- Receiving, during a playing of a video, a replay request to replay a portion of the video
- Skipping, responsive to the replay request and a pre established replay preference, the video to a replay position
- Playing, the video responsive to the replay request
- Discontinuing, responsive to the replay request

US Patent No. 6,408,128 does not disclose

- Receiving, from a user actuation of a single replay request control element
- Changing, responsive to the replay request, an audio of the video
- Playing, responsive to the replay request, the video and the changed audio
- Discontinuing, responsive to the replay request, the playing of the changed audio

Cookson discloses

- Receiving, from a user actuation of a single replay request control element (Fig. 2 (79), Col. 23 lines 32-40)
- Changing, responsive to the replay request, an audio of the video (Fig. 5, Col. 25 lines 9-20)
- Playing, responsive to the replay request, the video and the changed audio (Fig. 5, Col. 14 lines 22-57, Col. 25 lines 9-20, Col. 25 lines 32-40, Col. 26 lines 43-Col. 27 lines 11).

- Discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40))

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of claim 1 of this application to include receiving, changing, playing, and discontinuing option, as taught by Cookson, for the advantage of providing different language of audio with video to the user when they want to select by the user interference.

7. Claim 26 is rejected for the same reason discussed in the corresponding claim 22 above

8. Claim 27 is rejected for the same reason discussed in the corresponding claim 24 above

9. Claim 28 is rejected for the same reason discussed in the corresponding claim 22 above

10. Claim 29 is rejected for the same reason discussed in the corresponding claim 23 above

11. Regarding claim 30 of this application, claim 32 of US Patent No. 6,408,128 recites a system capable of replaying a portion of a video comprising:

- A user interface means for receiving, during a playing of a video, a replay request to replay a portion of the video

- A random accessing means for skipping, responsive to the replay request and a preestablished replay preference, the video to a replay position

US Patent No. 6,408,128 fails to disclose

- A processing means for changing, responsive to the replay request, an audio of the video; playing, responsive to the replay request and to the replay position, the video and the changed audio; and discontinuing, responsive to the replay request, the playing of the changed audio.

Cookson discloses

- A processing means for changing, responsive to the replay request, an audio of the video (Fig. 5, Col. 25 lines 9-20); playing, responsive to the replay request and to the replay position, the video and the changed audio (Fig. 5, Col. 14 lines 22-57, Col. 25 lines 9-20, Col. 25 lines 32-40, Col. 26 lines 43-Col. 27 lines 11); and discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40)).

12. Claim 31 is rejected for the same reason discussed in the corresponding claim 22 above

13. Claim 32 is rejected for the same reason discussed in the corresponding claim 23 above



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14. Claim 33 is rejected for the same reason discussed in the corresponding claim 24 above

15. Claim 34 is rejected for the same reason discussed in the corresponding claim 23 above

16. Claim 35 is rejected for the same reason discussed in the corresponding claim 25 above

17. Claim 36 is rejected for the same reason discussed in the corresponding claim 22 above

18. Claim 37 is rejected for the same reason discussed in the corresponding claim 23 above

19. Claim 38 is rejected for the same reason discussed in the corresponding claim 30 above

20. Claim 39 is rejected for the same reason discussed in the corresponding claim 22 above

21. Claim 40 is rejected for the same reason discussed in the corresponding claim 23 above

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. Claims 21-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,400,077 by Cookson et al.

23. Regarding claim 21, a method of replaying a portion of a video comprising the steps of:

- Receiving, during a playing of a video, and from a user actuation of a single replay request control element, a replay request to replay a portion of the video (Fig. 2 (79), Col. 25 lines 9-20, 32-40)
- Changing, responsive to the replay request, an audio of the video (Col. 25 lines 9-20, 32-40)
- Playing, responsive to the replay request, the video and the changed audio from a replay position in the video preceding an initial position in the video at which the replay request was received (Fig. 5, Col. 14 lines 22-57, Col. 26 lines 43-Col. 27 lines 11).

24. Regarding claim 22, the method wherein the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language (Col. 25 lines 9-20, 32-40); and wherein the replay position precedes the initial position by a period of replay time that is cumulative responsive to a successive replay request. (Fig. 5, Col. 26 lines 43- Col. 27 lines 11).

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25. Regarding claim 23, the method wherein the changed audio is selected from the group consisting of the audio at an increased volume, the audio with an increased dialog audio volume, the audio with an increased dialog audio volume relatively to a background audio volume, and the audio utilizing an alternative dialog audio language (Col. 25 lines 9-20, 32-40); and wherein, responsive to the replay request, a playing of subtitles is enabled contemporaneously with the playing of the changed audio (Fig. 5, Col. 26 lines 43-Col. 27 lines 44).

26. Regarding claim 24, the method wherein the replay position precedes the initial position by a period of replay time that is responsive to a preestablished replay preference (Col. 25 lines 9-20, 32-40) and to information defining segments of the video (Fig. 3 (field 19), Col. 19 lines 31-66).

27. Regarding claim 25, a method of replaying a portion of a video comprising the steps of:

- Receiving, during a playing of a video, a replay request to replay a portion of the video (Fig. 2 (79), Col. 25 lines 9-20, 32-40)
- Skipping, responsive to the replay request and a preestablished replay preference, the video to a replay position (Col. 25 lines 9-20, 32-40)
- Changing, responsive to the replay request, an audio of the video (Col. 25 lines 9-20, 32-40)

- Playing, responsive to the replay request and to the replay position, the video and the changed audio (Fig. 5, Col. 14 lines 22-57, Col. 26 lines 43-Col. 27 lines 11).
- Discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40)).

28. Claim 26 is rejected for the same reason discussed in the corresponding claim 22 above

29. Claim 27 is rejected for the same reason discussed in the corresponding claim 24 above

30. Claim 28 is rejected for the same reason discussed in the corresponding claim 22 above

31. Claim 29 is rejected for the same reason discussed in the corresponding claim 23 above

32. Regarding claim 30, a system capable of replaying a portion of a video comprising:

- A user interface means for receiving, during a playing of a video, a replay request to replay a portion of the video (Fig. 2(79))
- A random accessing means for skipping, responsive to the replay request and a preestablished replay preference, the video to a replay position (Fig. 2 (53, 55, 57, 59))

- A processing means for changing, responsive to the replay request, an audio of the video (Col. 25 lines 9-20, 32-40); playing, responsive to the replay request and to the replay position, the video and the changed audio (Fig. 5, Col. 14 lines 22-57, Col. 26 lines 43-Col. 27 lines 11); and discontinuing, responsive to the replay request, the playing of the changed audio (user can discontinue the playing of the changed audio through remote control or keyboard (Col. 25 lines 32-40)).

33. Claim 31 is rejected for the same reason discussed in the corresponding claim 22 above

34. Claim 32 is rejected for the same reason discussed in the corresponding claim 23 above

35. Claim 33 is rejected for the same reason discussed in the corresponding claim 24 above

36. Claim 34 is rejected for the same reason discussed in the corresponding claim 23 above

37. Claim 35 is rejected for the same reason discussed in the corresponding claim 25 above

38. Claim 36 is rejected for the same reason discussed in the corresponding claim 24 above

39. Claim 37 is rejected for the same reason discussed in the corresponding claim 23 above

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40. Claim 38 is rejected for the same reason discussed in the corresponding claim 30 above

41. Claim 39 is rejected for the same reason discussed in the corresponding claim 24 above

42. Claim 40 is rejected for the same reason discussed in the corresponding claim 23 above

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

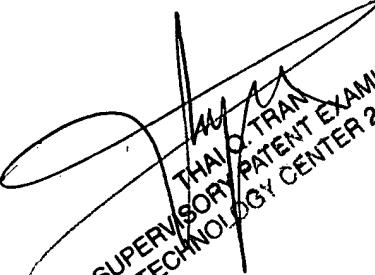
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC

12/16/2006



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